

## **COMMUNITY AFFAIRS**

### **Division Of Codes And Standards**

#### **Uniform Construction Code**

#### **Permits and certificates for multi-tenant buildings**

#### **Proposed Amendments: N.J.A.C. 5:23-2.15, 2.23, and 4.18**

#### **Proposed New Rule: N.J.A.C. 5:23-2.23A**

Authorized by: Susan Bass Levin, Commissioner, Department of Community Affairs

Authority: N.J.S.A. 52:27D-124

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2006-

Submit written comments by: November 17, 2006 to:

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**SUSAN BASS LEVIN**  
**COMMISSIONER**

The agency proposal follows:

### **Summary**

The proposed amendments and new rules would establish a framework for code officials to issue permits and certificates for multi-tenant buildings to promote a uniform enforcement of the UCC. Requirements and procedures for issuing permits and certificates for multi-tenant buildings are not prescribed in the Uniform Construction Code (UCC) currently. A section-by-section summary of the proposed amendments and new rules follows:

1. At N.J.A.C. 5:23-2.15 and 2.23, the proposed amendments would insert cross-references to the sections of the UCC concerning applications for construction permits and requirements for certificates.

2. At N.J.A.C. 5:23-2.23A(a), the proposed new rule would provide procedures for construction permits for multi-tenant buildings and would insert a cross-reference to N.J.A.C. 5:23-4.18, Standards for municipal fees.
3. At N.J.A.C. 5:23-2.23A(b), the proposed new rule outlines the requirements for temporary certificates of occupancy for individual tenant spaces in multi-tenant buildings. The proposed new rule would provide that a temporary certificate of occupancy be issued for each tenant space provided that portion of the building may be occupied safely, a temporary certificate of occupancy or certificate of occupancy has been issued for the common area(s) serving that tenant space, and the unfinished portions of the building for which temporary certificates of occupancy or certificates of occupancy are not being sought do no present life safety hazards. In addition, the proposed new rule would provide that temporary certificates of occupancy may be issued floor by floor or tenant space by tenant space.
4. At N.J.A.C. 5:23-2.23A(c), the proposed new rule outlines the requirements for certificates of occupancy or certificates of approval for individual tenant spaces in multi-tenant buildings. The proposed new rule would provide that a certificate of occupancy or certificate of approval, as applicable, may be issued provided the work authorized by the construction permit has been completed in accordance with the UCC and all conditions of prior approvals, if applicable, have been met and provided that the unfinished portions of the building do not present life safety hazards. In addition, the proposed new rule would provide that certificates of occupancy or certificates of approval may be issued floor by floor or tenant space by tenant space.
5. At N.J.A.C. 5:23-4.18, the proposed amendments would provide that fees for permit updates shall be based on the cost of the work if full plans and specifications for the tenant space are not part of the original permit application. For electrical, fire, and plumbing work, the fees for permit updates shall be based on the equipment installed in accordance with N.J.A.C. 5:23-4.18(c) 2, 3, or 4.

#### **Social Impact**

The Department anticipates that the proposed amendments and new rules would have a positive social impact by establishing clear requirements and procedures for construction permits and certificates for multi-tenant buildings, which promotes a consistent and uniform enforcement of the UCC.

#### **Economic Impact**

The proposed amendments and new rules might have a modest economic impact on construction permit fees for individual tenant spaces in multi-tenant buildings. If full plans and specifications for the space(s) are not part of the original permit application, the fee for permit updates is to be based on the cost of the work. For electrical, fire, and plumbing work, the fees for permit updates would be based on the electrical, fire, or plumbing equipment installed. The fee schedule in each town is established by municipal ordinance.

#### **Federal Standards Statement**

No Federal standards analysis is required because these amendments and new rules are not being proposed in order to implement, comply with, or participate in any program

established under Federal law or under a State law that incorporates or refers to Federal law, standards, or requirements.

#### **Jobs Impact**

The Department does not anticipate that any jobs would be created or lost as a result of the proposed amendments or new rules.

#### **Agriculture Industry Impact**

The Department does not anticipate that the proposed amendments or new rules would impact the agriculture industry.

#### **Regulatory Flexibility Analysis**

The proposed amendments might have an impact on "small businesses," as defined by the Regulatory Flexibility Act, in N.J.S.A. 52:14B-16 et seq. A small business owner would be required to comply with the requirements for construction permits and certificates described in the Summary above as would any other entity performing fit-up work in tenant spaces in multi-tenant buildings. Clarity in the rules for issuing permits and certificates for tenant spaces should benefit small businesses moving into these spaces. The proposed amendments do not impose any additional recordkeeping or reporting requirements on small businesses.

#### **Smart Growth Impact**

The Department does not expect that the proposed amendments or new rules would have any impact upon either the achievement of "smart growth" or implementation of the State Plan.

**Full text** of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

#### **5:23-2.15 Construction permits—application**

(a) – (d) (No change.)

**(e) Construction permits for individual tenant spaces in multi-tenant buildings shall be issued pursuant to N.J.A.C. 5:23-2.23A.**

Recodify (e) as (f) (No change in text.)

#### **5:23-2.23 Certificate requirements**

(a) – (g) (No change.)

**(h) Certificates for individual tenant spaces in multi-tenant buildings shall be issued pursuant to N.J.A.C. 5:23-2.23A.**

Recodify (h) through (p) as (i) through (q) (No change in text.)

#### **5:23-2.23A Permits and certificates for multi-tenant buildings**

**(a) Construction permits for multi-tenant buildings shall be issued as follows:**

**1. A single construction permit shall be issued for the entire structure including all tenant spaces if:**

**i. the permit applicant is undertaking all the work;**

**ii. all the work is, or will be shown as, a single set of plans;**

**iii. all work is intended to be undertaken by the same team of contractors; and**

iv. the Certificate of Occupancy or Certificate of Approval, as applicable, for all tenant spaces will be sought before or at the same time as that for the entire building. Plans for individual tenant spaces may be submitted as permit updates if all of the above conditions are met.

2. A separate permit shall be required for any tenant space if any of the following conditions apply:

i. the tenant is undertaking the fit-up work within the tenant space;  
ii. the plans for the tenant space work will be prepared by a design professional different from the one that prepared the plans for the base building;

iii. the work will be undertaken by one or more contractors who are different from the contractors for the base building; or

iv. the permit is being applied for after a Temporary Certificate of Occupancy or Certificate of Occupancy has been issued for the base building.

3. Fees for construction permits for multi-tenant buildings shall be applied pursuant to N.J.A.C. 5:23-4.18(c) 6.

(b) Temporary certificates of occupancy for individual tenant spaces in multi-tenant buildings shall be issued as follows:

1. A temporary certificate of occupancy shall be issued for each tenant space provided that portion of the building may be occupied safely prior to full completion of the building, the common area(s) serving that tenant space has a temporary certificate of occupancy or a certificate of occupancy, and the unfinished portions of the building for which temporary certificates of occupancy or certificates of occupancy are not being sought do not present life safety hazards.

i. Temporary certificates of occupancy may be issued floor by floor or tenant space by tenant space.

(c) Certificates of occupancy or certificates of approval, as applicable, shall be issued for individual tenant spaces in multi-tenant buildings as follows:

1. A certificate of occupancy or certificate of approval shall be issued provided the work authorized by the construction permit has been completed in accordance with the Uniform Construction Code and all conditions of prior approvals, if applicable, have been met.

2. The construction official may issue a certificate of occupancy or certificate of approval for a portion(s) of the building provided all of the work authorized by the construction permit has been completed in accordance with the Uniform Construction Code and all conditions of prior approvals, if applicable, have been met and provided that the unfinished portions of the building do not present life safety hazards.

3. Certificates of occupancy or certificates of approval, as applicable, may be issued floor by floor or tenant space by tenant space.

(d) Construction permits, temporary certificates of occupancy, and certificates of occupancy shall be issued in accordance with the procedures set forth at N.J.A.C. 5:23-2.15 and 2.23, respectively.

#### **5:23-4.18 Standards for municipal fees**

(a) – (b) (No change.)

(c) Basic construction fee: The basic construction fee shall be computed on the basis of the volume of the building or, in the case of alterations, the estimated construction cost, and the number and types of plumbing, electrical and fire protection fixtures and devices as herein provided.

1. – 5. (No change.)

**6. Fees for construction permits for individual tenant spaces in multi-tenant buildings shall be applied as follows:**

**i. If full plans and specifications for the space(s) are not part of the original permit application, the fee for permit updates shall be based on the cost of the work. For electrical, fire, and plumbing work, the fees for permit updates shall be based on the equipment installed in accordance with N.J.A.C. 5:23-4.18(c)2, 3, or**

**4.**

(d) – (k) (No change.)